

IFW/IDRC  
Box 1509

In re the application of:

**Itzhak BENTWICH**

Serial No: **10/605,924**

Group Art Unit:

Filed : **November 6, 2003**

Examiner:

For : **BIOINFORMATICALLY DETECTABLE GROUP  
OF NOVEL REGULATORY GENES AND USES  
THEREOF**

**RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF NONPROVISIONAL APPLICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

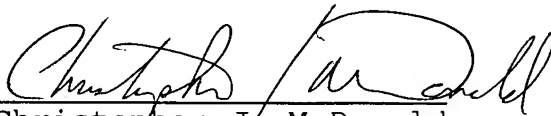
In response to the Notice to File Missing Parts dated  
November 8, 2004, Applicant submits the following material:

1. A copy of the "Notice to File Missing Parts of  
Nonprovisional Application"
2. Conversion of electronic filing to conventional  
filing
  - a. A paper submission of a substitute  
specification
  - b. 9 CD-Rs containing text tables and sequence  
listings in an unsealed padded and  
protective mailing envelope
    - i. Large Tables 1 Copy 1
    - ii. Large Tables 2 Copy 1
    - iii. Large Tables 3 Copy 1
    - iv. Sequence Listing Copy 1
    - v. Large Tables 1 Copy 2
    - vi. Large Tables 2 Copy 2
    - vii. Large Tables 3 Copy 2
    - viii. Sequence Listing Copy 2
    - ix. Sequence Listing Computer Readable  
Form (CRF)

- c. All the forms authored in ePAVE
  - i. Application data sheet
  - ii. Transmittal
  - iii. Declaration
  - iv. Fee-sheet
  - v. Assignment
  - vi. Acknowledgment Receipt
- 3. A signed declaration that 3 sequence listing CDs have identical content
- 4. A signed amendment of specification to cancel references to omitted drawings
- 5. A transmittal letter describing the machine and operating system formats of the 5 CDs (plus copies) and the contents and size of the file on each CD
- 6. Payment authorization

If any additional fees are due and owing, the Commissioner is authorized to charge Deposit Account 08-2455.

Respectfully submitted,

  
Christopher J. McDonald  
Reg. 41,533

January 10, 2005

HOFFMAN, WASSON & GITLER, PC  
2461 South Clark Street  
Crystal Center 2 - Suite 522  
Arlington, VA 22202  
(703) 415-0100

Attorney's Docket: 05-0015#2/cat

**TRANSMITTAL**

Electronic Version v1.1

Stylesheet Version v1.1.0

U.S. PTO  
107605924

<b>Title of Invention</b>	<b>BIOINFORMATICALLY DETECTABLE GROUP OF NOVEL REGULATORY GENES AND USES THEREOF</b>
Application Number: Date: First Named Applicant: Dr. Itzhak Bentwich  Confirmation Number: Attorney Docket Number:	
<p>I hereby certify that the use of this system is for OFFICIAL correspondence between patent applicants or their representatives and the USPTO. Fraudulent or other use besides the filing of official correspondence by authorized parties is strictly prohibited, and subject to a fine and/or imprisonment under applicable law.</p> <p>I, the undersigned, certify that I have viewed a display of document(s) being electronically submitted to the United States Patent and Trademark Office, using either the USPTO provided style sheet or software, and that this is the document(s) I intend for initiation or further prosecution of a patent application noted in the submission. This document(s) will become part of the official electronic record at the USPTO.</p>	
<b>Submitted by:</b>	<b>Elec. Sign.</b>
Dr. Itzhak Bentwich	



Transmittal Letter

Application number: 10/605924

Title: BIOINFORMATICALLY DETECTABLE GROUP OF NOVEL REGULATORY GENES AND USES THEREOF

First named inventor: Itzhak Bentwich

Machine format: IBM-PC

Operating system compatibility: MS-Windows

CDs:

CD 1 - LARGE TABLES 1 content:

Name:	Size (KB)	Creation date	Type
Table1.txt	12,286	08/26/03	External Table

CD 2 - LARGE TABLES 2 content:

Name:	Size (KB)	Creation date	Type
Table2.txt	646,904	08/26/03	External Table

CD 3 - LARGE TABLES 3 content:

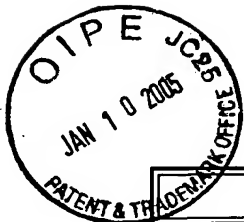
Name:	Size (KB)	Creation date	Type
Table3.txt	178,144	01/05/05	External Table
Table4.txt	36,689	01/05/05	External Table
Table5.txt	6,207	01/05/05	External Table

CD 4 - Sequence Listing content:

Name:	Size (KB)	Creation date	Type
SEQ_LIST.txt	210,838	08/29/03	Sequence listing

CD 5 - Sequence Listing Computer Readable Form content:

SEQ_LIST.txt	210,838	08/29/03	Sequence listing
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**FEE TRANSMITTAL**

Electronic Version v08

Stylesheet Version v08.0

<b>Title of Invention</b>	<b>BIOINFORMATICALLY DETECTABLE GROUP OF NOVEL REGULATORY GENES AND USES THEREOF</b>																				
Application Number: Date: First Named Applicant: Dr. Itzhak Bentwich Attorney Docket Number: Art Unit: 1631 Examiner: Dr. Michael Woodward																					
<b>TOTAL FEE AUTHORIZED \$499</b>  Patent fees are subject to annual revisions on or about October 1st of each year.																					
Filing as small entity  <b>BASIC FILING FEE</b>																					
<table border="1"><thead><tr><th>Fee Description</th><th>Fee Code</th><th>Amount \$</th><th>Fee Paid \$</th></tr></thead><tbody><tr><td>Utility Filing Fee</td><td>2001</td><td>375</td><td>375</td></tr><tr><td colspan="4">Subtotal For Basic Filing Fee: \$375</td></tr></tbody></table>		Fee Description	Fee Code	Amount \$	Fee Paid \$	Utility Filing Fee	2001	375	375	Subtotal For Basic Filing Fee: \$375											
Fee Description	Fee Code	Amount \$	Fee Paid \$																		
Utility Filing Fee	2001	375	375																		
Subtotal For Basic Filing Fee: \$375																					
<b>EXTRA CLAIM FEES</b>																					
<table border="1"><thead><tr><th>Fee Description</th><th>Extra Claims</th><th>Fee Code</th><th>Amount \$</th><th>Fee Paid \$</th></tr></thead><tbody><tr><td>Total Claims: 16</td><td>0</td><td>2202</td><td>9</td><td>0</td></tr><tr><td>Independent Claims: 5</td><td>2</td><td>2201</td><td>42</td><td>84</td></tr><tr><td colspan="5">Subtotal For Extra Claims Fees: \$ 84</td></tr></tbody></table>		Fee Description	Extra Claims	Fee Code	Amount \$	Fee Paid \$	Total Claims: 16	0	2202	9	0	Independent Claims: 5	2	2201	42	84	Subtotal For Extra Claims Fees: \$ 84				
Fee Description	Extra Claims	Fee Code	Amount \$	Fee Paid \$																	
Total Claims: 16	0	2202	9	0																	
Independent Claims: 5	2	2201	42	84																	
Subtotal For Extra Claims Fees: \$ 84																					
<b>ASSIGNMENT FEES</b>																					
<table border="1"><thead><tr><th>Fee Description</th><th>Property Number</th><th>Quantity</th><th>Fee Code</th><th>Amount \$</th><th>Fee Paid \$</th></tr></thead><tbody></tbody></table>		Fee Description	Property Number	Quantity	Fee Code	Amount \$	Fee Paid \$														
Fee Description	Property Number	Quantity	Fee Code	Amount \$	Fee Paid \$																

Recording Each Patent Assignment Per Property Fee	00000000	1	8021	40	40
Subtotal For Additional Fees: \$40					

#### AUTHORIZED BILLING INFORMATION

The commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit account number: 502830

Access Code \*\*\*\*\*

Deposit name: ROSETTA GENOMICS LTD

Deposit authorized name: BENTWICH ITZHAK

Signature: ZB

Date (YYYYMMDD): 2003-08-29

Charge Assignment Fees Required Under 37 C.F.R. Section 1.21 (h).

Charge the Issue Fee Set in 37 C.F.R. Section 1.18 at the Mailing of the Notice of Allowance

Charge Any Additional Fee Required Under 37 C.F.R. Sections 1.16 and 1.17.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Bentwich

Appl. No. : 10/605924  
Applicant : Itzhak Bentwich  
Filed : 06-Nov-03  
Customer No. : 37808  
Title : BIOINFORMATICALLY DETECTABLE GROUP OF NOVEL  
REGULATORY GENES AND USES THEROF

Hon. Commissioner of Patents and Trademarks

Washington, D.C. 20231

PAYMENT AUTHORIZATION

Sir:

The Commissioner is authorized to charge Deposit Account 50-2830 for all fees associated with this submission.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Yehuda Feinberg".

Yehuda Feinberg  
VP Finance

Rosetta Genomics



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPAR  
United States Patent and  
Address: COMMISSIONER FOR  
P.O. Box 1450  
Alexandria, Virginia 22313-  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/605,924	11/06/2003	Itzhak Bentwich	

CONFIRMATION NO. 9064

37808  
ROSETTA-GENOMICS  
10 PLAUT-STREET SCIENCE PARK  
P.O. BOX 2061  
REHOVOT, 76706  
ISRAEL

## FORMALITIES LETTER



\*OC000000014310777\*

Date Mailed: 11/08/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

~~01/11/2005 MBLANCO 00000004 10605924~~

FILED UNDER 37 CFR 1.53(b)

~~01 FC:2001~~  
~~02 FC:2201~~  
~~03 FC:2051~~

~~395.00 OP~~  
~~200.00 OP~~  
~~65.00 OP~~

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 395 to complete the basic filing fee for a small entity.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c) Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).

01/11/2005 MBLANCO 00000011 10605924

01 FC:2001  
02 FC:2201  
03 FC:2051

395.00 OP  
200.00 OP  
65.00 OP



- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- **For Rules Interpretation, call (571) 272-0951**
- **To Download Patentin Software, visit <http://www.uspto.gov/web/patents/software.htm>**
- **For Patentin Software Program Help, call (571) 272-2510 or email [mark.spencer@uspto.gov](mailto:mark.spencer@uspto.gov)**

The application was generated using the USPTO Electronic Filing System (EFS) software and hand delivered to the USPTO personal. A filing receipt was given to the applicant to establish a date of receipt of the submission. This exception processing was due to the large size of the submission, which is beyond that which can be handled by current equipment and software. The application was not filed under the Legal Framework (<http://www.uspto.gov/ebc/efs/legal/legalframe1.htm>) of EFS or according to 37 CFR 1.52. As an accommodation to the applicant, the Office has accepted the submitted CDs and made all reasonable efforts to upload the data from the CDs to the format needed for processing. The Office, however, was not able to convert the submitted documents to the USPTO format. The Office must resort to conventional processing in this extreme situation. In order to further process the application, applicant must file a substitute application in paper.

- A paper submission of a substitute specification according to 37 CFR 1.125
- CD-Rs containing text tables, program listings and sequence listings (according to 37 CFR § 1.52 (e) & 37 CFR § 1.821 -1.823).
- All the forms authored in ePAVE (application data sheet, transmittal, declaration, fee-sheet, assignment) and the acknowledgement receipt

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$88** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$548** for a Small Entity

- **\$395** Statutory basic filing fee.
- **\$65** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$88**
  - **\$88** for 2 independent claims over 3.

Replies should be mailed to: Mail Stop Missing Parts

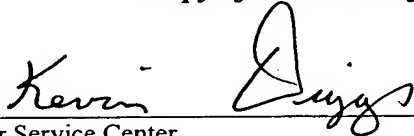
Commissioner for Patents

P.O. Box 1450

Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY